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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/686,312

10/15/2003

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7253

7590

04/27/2005

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EXAMINER

LAI, ANNE VIET NGA

ART UNIT

PAPER NUMBER

2636

DATE MAILED: 04/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/686,312	Applicant(s) CONTADINI, CARL D.	
	Examiner Anne V. Lai	Art Unit 2636	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 October 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input checked="" type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Drawings*

1. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

See attached form PTO-948.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-2, 4-5, 8-10, 12-13 and 16-17 are rejected under 35 U.S.C. 102(e) as being anticipated by **Leonard et al** [US. 2004/0124,988].

Regarding claim 1, **Leonard et al** disclose a device that includes at least one consumable source that decreases in effectiveness over time, comprising:

a timer, operatively coupled to the consumable source, for maintaining the duration that the one consumable source is in use; and

an effectiveness indicator, operatively coupled to the timer, for indicating when the timer has reached a preset duration (fig. 4a-4b; [0036]-[0037]; claim 19).

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Regarding claim 2, **Leonard et al** disclose a controller (RFID tag, reader), operatively coupled intermediate the timer and the indicator, for receiving signals from the timer and transmitting signals to the indicator (fig. 4a-4b; [0036], [0037], [0047]; claim 19).

Regarding claims 4 and 8, **Leonard et al** disclose the effectiveness indicator is visual or audible indicator ([0036]).

Regarding claim 5, **Leonard et al** disclose a service indicator for indicating a need for servicing; the service indicator may be audio or visual (the product needs replacing; fig. 4b; [0032], [0037]).

Regarding claim 9, **Leonard et al** disclose a device that includes at least one consumable source that decreases in effectiveness over time, comprising:

a sensor (contact sensor on RFID tag), operatively coupled to the consumable source, for sensing the effectiveness of the consumable source; and

an indicator, operatively coupled to the sensor, for indicating the effectiveness of the consumable source (fig. 1a-4b; [0032]-[0037]; claim 1).

Regarding claim 10, **Leonard et al** disclose a controller (RFID tag, reader), operatively coupled intermediate the sensor and the indicator, for receiving signals from the sensor and transmitting signals to the indicator (fig. 1a-4b; [0032]-[0037]; claim 1).

Regarding claims 12 and 16, **Leonard et al** disclose the effectiveness indicator is visual or audible indicator ([0036]).

Regarding claim 13, **Leonard et al** disclose a service indicator for indicating a need for servicing; the service indicator may be audio or visual (the product needs replacing; fig. 4b; [0032], [0037]).

Regarding claim 17, **Leonard et al** disclose the timer monitors the age of the consumable product (claim 19); it is inherent the effectiveness of a consumer product in use is reduced with respect to time therefore it is inherent the timer is an effectiveness sensor.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Leonard et al** in view of **Kimura et al** [US. 5,282,334].

Regarding claims 3 and 11, **Leonard et al** disclose the controller (RFID chip) can be programmed to operate in a device having plural consumer sources and a plurality of indicators operated singly or in combinations to indicate which particular source is in operation ([0046]); and the RFID can transmit information on product aging (effectiveness indicator) to display on the reader ([0047]). **Kimura et al** teach an insect terminator having separated timers (23, 24, 26, figs. 2-3) to control operation of different elements (heater and fan) used for dispensing consumer product (dry chemical vapor, abstract), each timer includes a light to show the timer is in operation (col. 3, lines 3-46).

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It would have been obvious to one having ordinary skill in the art at the time the invention was made to implement the teaching of **Kimura** to the device of **Leonard** for indicating simultaneously the mode of operation and the effectiveness of at least one consumable source for the convenient of the user knowing at the same time the operational mode and the effectiveness for each consumer source for maintenance and safety purpose.

6. Claims 6-7 and 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Leonard et al** in view of **Studer et al** [US. 2004/0200129]

Regarding claims 6-7 and 14-15, **Leonard et al** disclose using a consumable source for bait trapping insect and insecticide ([0014], [0036]), but the consumer source is other than the light source or the adhesive surface. **Studer et al** teach the use of a light source and an adhesive surface to trap insect using a timer as an effectiveness sensor. It would have been obvious to one having ordinary skill in the art at the time the invention was made the consumer sources as taught by **Studer et al** can be used in **Leonard et al** insect trap as designer choice based on the type of target insects.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Barber et al** disclose a detection and control of pests. [US. 2002/0101352]

**McGough** discloses dual scent dispensing controlled by separate timers. [US. 6,209,252]

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**Kimura et al** disclose an insect exterminator with timers control. [US. 5,282,334]

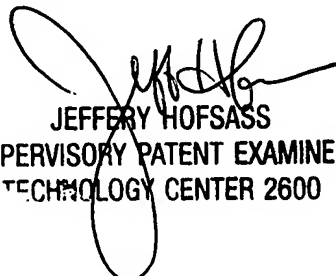
**Borg** discloses quality monitoring and maintenance for products employing end user serviceable components. [US. 6,687,634]

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anne V. Lai whose telephone number is 571-272-2974. The examiner can normally be reached on 8:00 am to 5:30 pm, Monday to Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hofsass Jeffery can be reached on 571-272-2981. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*ml*  
A. V. Lai  
April 11, 2005

  
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